

NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiff
Wall Street Plaza
88 Pine Street
New York, New York 10005-1801
(212) 220-3830
File No.: 30000366 JFS

JUDGE HOLWELL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV 0824

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ARCELOR MITTAL INTERNATIONAL AMERICA,

Plaintiff,

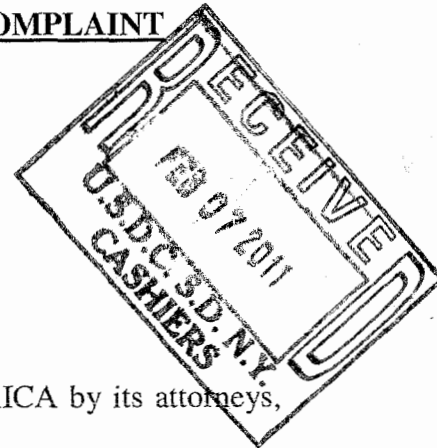
11 Civ. *0824 RJH*

-against-

VERIFIED COMPLAINT

M.V. SOFIA, her engines, boilers, etc.,
WESTERN BULK CARRIERS KS,
NAVIGATION MARITIME BULGARE,
and SOFIA MARITIME LTD.,

Defendants.
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Plaintiff, ARCELOR MITTAL INTERNATIONAL AMERICA by its attorneys,

NICOLETTI HORNIG & SWEENEY alleges upon information and belief, as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure.
2. At and during the times hereinafter mentioned, plaintiff had and now has the legal status and principal place of business stated in Schedule "A" attached hereto and by this reference made a part hereof.
3. At and during all times hereinafter mentioned, defendants had and now have the legal status and offices and places of business stated in Schedule "A", and were and now are engaged as common carriers of merchandise by water and owned, operated, managed,

chartered and/or controlled the M.V. SOFIA which is now, or will be within the jurisdiction of this Court during the pendency of this action.

4. On or about the dates and at the ports of shipment stated in Schedule B attached hereto and by this reference made a part hereof, there was delivered to the vessel and defendants in good order and condition, the shipments described in Schedule B, which said vessel and defendants received, accepted and agreed to transport for certain consideration to the port of destination stated in Schedule B.

5. Thereafter, the said vessel and defendants delivered plaintiff's shipments at the port of destination described in Schedule B, however the aforesaid shipment was delivered in a damaged condition.

6. By reason of the premises, the above named vessel and defendants breached, failed and violated their duties and obligations as common carriers, bailees, warehousemen, and were otherwise at fault.

7. Plaintiff was the consignee and/or owner, or shipper of the shipments described in Schedule B, and brings this action on its own behalf and as agent and trustee, on behalf of and for the and for the interest of all parties who may be or become interested in the said shipments, as their respective interests may ultimately appear, and plaintiff is entitled to maintain this action.

8. Plaintiff has duly performed all of the duties and obligations on its part to be performed.

9. By reason of the premises, plaintiff the sustained damages as nearly as same can now be estimated, no part of which has been paid, in the amount of \$150,000.00.

WHEREFORE, Plaintiff requests:

(a) That process in due form of law may issue against Defendants citing them to appear and answer all and singular the matters aforesaid;

(b) That if Defendants cannot be found within this District; then all their property within this District, be attached in the sum of \$150,000.00 with interest thereon and costs, the sum sued for in this Complaint;

(c) That judgment may be entered in favor of Plaintiff against Defendants for the amount of Plaintiff's damages, together with interest and costs and the disbursements of this action;

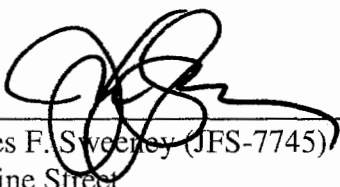
(d) That process in due form of law according to the practice of this Court in causes of admiralty and maritime claims, may issue against said vessel, its engines, boilers etc., and that all persons having or claiming any interest therein be cited to appear and answer under oath, all singular the matters aforesaid, and this Court will be pleased to pronounce judgment in favor of Plaintiff for its damages as aforesaid, with interest, costs and disbursements, and that the said vessel may be condemned and sold to pay therefor; and

(e) That this Court will grant to Plaintiff such other and further relief as may be just and proper.

Dated: New York, New York
February 4, 2011

NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiff

By: _____


James F. Sweeney (JFS-7745)
88 Pine Street
Wall Street Plaza
New York, New York 10005-1801
(212) 220-3830
NH&S File No.: 30000366 JFS

SCHEDULE A

Plaintiff's Legal Status and Office and Place of Business:

Plaintiff, ARCELOR MITTAL INTERNATIONAL AMERICA, is a corporation and/or business entity existing under and pursuant to the laws of the State of Illinois, with an office and place of business located at One South Dearborn, Chicago, Illinois 60603.

Defendants' Legal Status and Office and Place of Business:

Defendant, SOFIA MARITIME LTD., is a business entity and/or corporation existing under and pursuant to foreign law which operates as a common carrier of goods with an office and place of business at c/o Navigation Maritime Bulgare, bul Primorski 1, 9000, Varna, Bulgaria.

Defendant NAVIGATION MARITIME BULGARE is a business entity and/or corporation existing under and pursuant to foreign law, which operates as a common carrier of goods with an office and place of business at bul Primorski 1, 9000, Varna, Bulgaria.

Defendant WESTERN BULK CARRIERS KS is a business entity and/or corporation existing under and pursuant to foreign law, which operates as a common carrier of goods with a registered agent for service of process in this District, to wit: Patrick F. Lennon, Esq. c/o Lennon, Murphy & Lennon LLC, 420 Lexington Avenue, Suite 300, New York, New York 10170.

SCHEDULE B

Vessel:	M.V. SOFIA
Dates of Shipment:	January 31, 2010 and February 19, 2010
Ports of Shipment:	Constanta and Fos-Sur-Mer
Port of Discharge:	Houston
Shippers:	Arcelor Mittal Tubular Products Roman; Arcelor Mittal Tubular Products Galati; Arcelor Mittal Sur Mer
Consignee:	Arcelor Mittal International America
Description:	Hot Rolled Steel Coils; Carbon Steel Line Pipe; Seamless Steel Pipes; Seamless Steel casings
Nature of Claim:	Damage
Amount:	\$150,000.00
NH&S File No.:	30000366

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VERIFICATION OF ATTORNEY

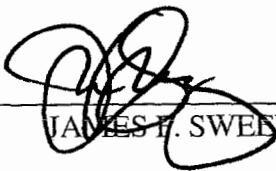
STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

JAMES F. SWEENEY, being duly sworn, deposes and states:

I am a member of the law firm of NICOLETTI HORNIG & SWEENEY, attorneys for plaintiff ARCELOR MITTAL INTERNATIONAL AMERICA, in this action and my office is located at Wall Street Plaza, 88 Pine Street, 7th Floor, New York, New York, which is in the County of New York. This verification is made by me because plaintiff ARCELOR MITTAL INTERNATIONAL AMERICA has no offices within the County of New York, which is the county where I have my office.

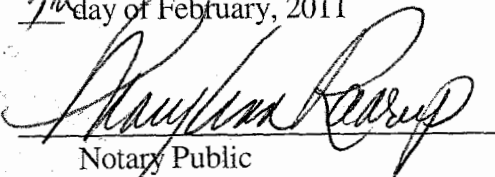
I have read the foregoing Verified Complaint and know its contents. The Verified Complaint is true to my knowledge, except as to matters alleged upon information and belief, and as to those matters, I believe it to be true.

The sources of my information and grounds for my belief as to all matters in the foregoing Verified Complaint not stated to be made upon my knowledge are as follows: conversations with defendant and review of all file materials.



JAMES F. SWEENEY

Sworn to before me this
7th day of February, 2011



Notary Public

MARY ANN RAARUP
Notary Public, State of New York
No: 01RA4874099
Qualified in Suffolk County
Certificate filed in New York County
Commission Expires Oct. 20, 2014